

REMARKS

I. Introduction

Claims 10-16 are pending in the present application. Claims 11, 12, 15, and 16 have been amended. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

II. Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 11, 12, and 14-16 contain allowable subject matter. The Examiner objected to claims 11, 12, and 14-16 as being dependent upon a rejected base claim, but the Examiner also indicated that these claims would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Accordingly, claims 11, 12, 15, and 16 have been rewritten in independent form. Additionally, claim 14 depends from claim 12, which is now rewritten in independent form. As such, claims 11, 12, and 14-16 are in condition for immediate allowance.

III. Rejection of Claim 10 under 35 U.S.C. § 103(a)

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,285,187 (“Hirao”) in view of U.S. Patent No. 6,549,836 (“Yeh”). Applicant respectfully submits that claim 10 is patentable over the combination of Hirao and Yeh for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s)

must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 10 recites a “method for detecting a collision as a function of at least one of a pressure signal and a temperature signal” including the steps of: “performing a first comparison of the at least one of the pressure signal and the temperature signal with at least a first threshold”; “performing on the at least one of the pressure signal and the temperature signal a low pass filtration before the first comparison”; “deriving a variable from the at least one of the pressure signal and the temperature signal”; and “adjusting a sensitivity of the detection, by adjusting at least one of the first threshold and the at least one second threshold, in accordance with the first comparison in that the at least one second comparison is performed only after an amount of the first threshold is exceeded.” In contrast, nothing in either Hirao or Yeh (including Fig. 2 of each of the references cited by the Examiner in support of the rejection) teaches or suggests a pressure or a temperature signal at all, let alone any of the steps of performing a first comparison of the at least one of the pressure signal and the temperature signal; performing on the at least one of the pressure signal and the temperature signal a low pass filtration; or deriving a variable from the at least one of the pressure signal and the temperature signal.

Independent of the above, nothing in either Hirao or Yeh teaches or suggests “adjusting a sensitivity of the detection, by adjusting at least one of the first threshold and the at least one second threshold, in accordance with the first comparison in that the at least one second comparison is performed only after an amount of the first threshold is exceeded.” While the Office Action asserts that the feature of performing a second comparison “only after an amount of a first threshold is exceeded” is depicted by the AND gate in Fig. 2 of Hirao, it is clear from Fig. 2 that every comparison performed in Hirao is performed without any pre-condition, i.e., regardless of the outcome of any prior comparison.

Accordingly, even if one assumed for the sake of argument that there is some motivation to combine the teachings of Hirao and Yeh, with which assumption Applicant does not agree, the resulting combination would still fail to teach or suggest all of the claimed features of claim 10. For at least the foregoing reasons, claim 10 is patentable over the proposed combination of Hirao and Yeh.

IV. Rejection of Claim 13 under 35 U.S.C. § 103(a)

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,285,187 (“Hirao”) and U.S. Patent No. 6,549,836 (“Yeh”), in view of U.S. Patent App. Pub. No. 2005/0257981 (“Iyoda”). Applicant respectfully submits that claim 13 is patentable over the combination of Hirao, Yeh, and Iyoda for at least the following reasons.

Claim 13 depends from claim 10. As explained above, the proposed combination of Hirao and Yeh does not teach or suggest all of the elements of claim 10. In addition, Iyoda does not teach or suggest the elements of claim 10 not taught or suggested by Hirao and Yeh. Accordingly, even if one assumed for the sake of argument that there is some motivation to combine the teachings of Hirao, Yeh, and Iyoda, with which assumption Applicant does not agree, the resulting combination would still fail to teach or suggest all of the claimed features of either claim 10 or its dependent claim 13.

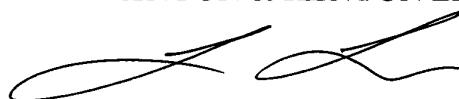
For at least the foregoing reasons, dependent claim 13 is patentable over the combination of Hirao, Yeh, and Iyoda.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that all pending claims 10-16 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

KENYON & KENYON LLP



(R.W.O.
36,197)

Dated: June 11, 2007

By: SONG LEE for Gerard Messina
Gerard A. Messina
Reg. No. 35,952
One Broadway
New York, NY 10004
(212) 425-7200
CUSTOMER NO. 26646